



NEWS REPORT

Date: 9 November 2011
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Title: Prohibition to wear garment covering one's face
Country: The Netherlands

Context

Issue at stake: Government proposes a bill to prohibit clothing that covers one's face

Ground of discrimination: Religion, sex

Source: Press Release Ministry of Interior and Kingdom Relations

Field: All fields

Legislative provisions: New criminal law provisions

Content

After several initiatives in the past to criminalise the wearing of the burqa and other garment covering the face in public places¹, the current government of the Liberal and Christian Democrat parties, which is sustained by the Freedom Party, announced that it will soon submit a bill to Parliament prohibiting the wearing of such clothing which will constitute a criminal offence. Sanctions for wearing such clothes will be a fine of EUR 380. The bill has been sent to the Council of State, who has to give advice before it can be sent to the second Chamber of Parliament.

Government declared that clothing that partly or wholly covers the face contravenes the principle of equality between men and women. Although this kind of clothing may be justified by religious convictions, the government believes that it is not part of the Islam but that it is rather linked to specific cultural or traditional practices. And even in the case where

¹ See Tweede Kamer (2005-2006) 29 754 nr. 41 (Motion of Geert Wilders, MP); Tweede kamer (2006-2007), 31 108, nrs 1-2 (bill of Wilders and Frisma, MPs for the Freedom Party); Tweede kamer (2007-2008) 31 331, nrs 1-2 (bill of Kamp, MP for the Liberal Party).



it would indeed be a religious practice, the government thinks that the prohibition is justified in the interest of the protection of public life in the Netherlands.

The prohibition applies in the public space, in all public buildings, in educational institutions, in health care institutions and in public transport.

The prohibition is formulated in a neutral way (i.e. it does not use the terms burqa or nicab) and the bill lists exemptions to the prohibition where the covering of the face is necessary for health and safety reasons in the exercise of a profession or in sports. Also certain festivities are excluded, like e.g. Saint Nicolas and Carnival.

Internet link source and additional information:

<http://www.rijksoverheid.nl/ministeries/bzk/documenten-en-publicaties/persberichten/2011/09/16/ministerraad-stemt-in-met-wetsvoorstel-verbod-gelaatsbedekkende-kleding.html> (accessed on 9 November 2011)